

## REMARKS

Claims 1-41 are pending in the application.

The Examiner in the non-final Office Action mailed December 15, 2004 has rejected Claims 1-11, 13-18, 22-24, 26-28, 30-34 and 36-41 and has objected to claims 12, 19-21, 25, 29, and 35.

Applicant respectfully requests reconsideration in view of the foregoing amendments and the remarks hereinbelow.

### **Rejection of Claims under 35 U.S.C. 103:**

Claims 1-3, 5-7, 9-10, 13-16, 18, 22, 24, 26-27, 30-33, 36-38 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al. (US 2002/0171747) in view of Miyano (US 5,659,357).

#### **Independent Claim 1**

Claim 1 is patentable over Niikawa et al. in view of Miyano at least for the following reasons.

In Niikawa et al. the user can manually select a tungsten, fluorescent or daylight setting to produce a white-balance corrected image 10a. The corrected image 10a and the manually selected setting are displayed on an LCD 10, and an original captured image 20a is displayed on an EVF 20, in order to allow the user to contrast the two images. In this connection, the Examiner reads the manually selected setting "as an indication of an illuminant to which a color value is assigned" because the selectable tungsten, fluorescent or daylight settings represent various illuminants having different color values. As acknowledged by the Examiner, there is no color detector that automatically measures the existing ambient light to provide a color value, and there is no look-up table having the color value assigned to one of a designated illuminant and one or more non-designated illuminants, as in claim 1.

In Miyano, a block value calculating circuit 1 obtains a block representative value of an inputted image signal (R, G, B) that is divided into numerous blocks as in FIG. 2. The Examiner reads the block value calculating circuit 1 as the color detector that directly measures the existing ambient light to provide a color value in claim 1. However, the block value calculating circuit 1 does not measure the existing ambient light. Instead, it makes use of an inputted image signal. This distinction appears to have been missed by the Examiner since on page 4 of the Office Action ~~she relates~~ the block value calculating circuit 1 to a

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color detector that measures an ambient light image (rather than the existing ambient light as in claim 1). Thus, the block value calculating circuit 1 materially differs from the color detector in claim 1.

Also, the fluorescent lamp block average value calculating circuit 2, the solar/tungsten light block average value calculating circuit 3, and the brightest block average value calculating circuit 9 in Miyano each depend on the block representative value obtained by the block value calculating circuit 1. Thus, they must differ from claim 1 for the same reason that the block value calculating circuit 1 differs from the color detector in claim 1. In other words, the three separate circuits 2, 3 and 9 cannot be read as the look-up table in claim 1 -- since for the look-up the color value assigned to one of a designated illuminant and one or more non-designated illuminants is obtained by measuring existing ambient light (rather than an inputted image signal as in Miyano).

Also, the fluorescent lamp block average value calculating circuit 2, the solar/tungsten light block average value calculating circuit 3, and the brightest block average value calculating circuit 9 in Miyano each provide corresponding different average values. The three circuits do not functionally comprise a "look-up table" having a color value assigned to one of a designated illuminant and one or more non-designated illuminants as the Examiner states on page 4 of the Office Action. See the definition of "look-up table" on page 44 of the above-identified application.

One skilled in the art would not be motivated to combine Miyano with Niikawa et al. as the Examiner has done. In Niikawa et al., the camera is specifically designed so that user can manually select only one white-balance setting, tungsten, fluorescent or daylight, to produce the white-balance corrected image 10a; whereas, in Miyano, the fluorescent lamp block average value calculating circuit 2, the solar/tungsten light block average value calculating circuit 3, and the brightest block average value calculating circuit 9 each operate to produce a white balance adjustment. These two approaches are so fundamentally different that substituting one for the other is unfeasible.

Independent Claims 3, 9, 18, 22, 27 and 36

Claims 3, 9, 18, 22, 27 and 36 are patentable over Niikawa et al. in view of Miyano for substantially the same reasons that claim 1 is patentable over those references.

Also, Claim 3 differs from the combination of Niikawa et al. in view of Miyano in that the references do not suggest singly or in combination "a control system transferring said electronic image to said display, said control system color balancing said electronic image to impart a color cast relative to said designated illuminant and relative to said illuminant assigned to said color value, only when said illuminant assigned is one of said non-designated illuminants".

Also, claims 22, 27 and 36 differ from the combination of Niikawa et al. in view of Miyano in that the references do not suggest singly or in combination the "matching" required step of claims 22, 27 and 36. The Examiner's rejection of these claims does not appear to specifically address the "matching" step. A clarification is requested.

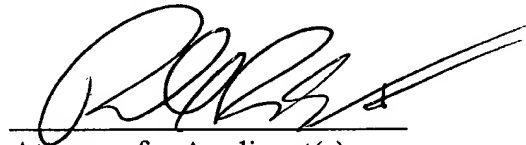
**Objection of Claims:**

Claims 12, 19-21, 25, 29 and 35 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12, 19-21, 25, 29 and 35 are amended to place them in condition for allowance.

**Conclusion:**

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,



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